

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA

v.

2:07CR217

TAMICO J. MORGAN,

Defendant.

REPORT AND RECOMMENDATION
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered guilty pleas to theft of government funds and making a false statement, in violation of 18 U.S.C. §§ 641 and 1001. Defendant is also charged with conspiracy to defraud the United States (Count 1), additional counts of theft of government funds (Counts 4, 6, 8, 10, 12, and 14), and additional counts of making false statements (Counts 5, 7, 9, 11, 13, and 15), in violation of 18 U.S.C. §§ 371, 641, and 1001. Defendant understands that these charges will be dismissed upon acceptance of her guilty pleas, and the United States confirmed defendant's understanding.

On January 18, 2008, defendant appeared before the Court for the purpose of entering her guilty pleas. She was represented by appointed counsel, Jennifer Stanton, Esquire. Defendant was appropriate in appearance, responsive, and competently prepared for the hearing. Defendant is agoraphobic and bi-polar, and she acknowledged that she had taken medication for her conditions. However, she assured the Court that she understood the nature of the proceeding and the seriousness of the consequences. The Court was satisfied that defendant was not affected or impaired by her medication. She answered all questions put to her in clear and concise language. On those occasions when she had a question, defendant consulted with counsel and

then promptly answered. Defendant was courteous and appropriate in her behavior at all times. At the close of the proceeding, defendant was permitted to remain on bond, pending completion of a presentence report.

Defendant is thirty-six years of age, is a high school graduate, and speaks English as her native language. There was no evidence that defendant was on drugs, alcohol, or medication, other than as previously referred to, which might impair her judgment. She was cooperative throughout the proceeding.

Defendant entered her guilty pleas pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that she fully appreciates her position. Furthermore, she acknowledged that the statement of facts prepared in anticipation of her pleas accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offenses charged are supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty pleas be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

/s/
James E. Bradberry
United States Magistrate Judge

Norfolk, Virginia

January 22, 2008